

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Ricky Schuh,)	
)	
Plaintiff,)	ORDER ADOPTING REPORT
)	AND RECOMMENDATION
vs.)	
)	Case No. 1:20-cv-142
Burleigh Morton Detention Center,)	
Sgt. Eric Howe, Chaplain Greg Carr,)	
Sgt. Eva Burman, Lt. Jennifer Rewald,)	
Officer Jeff Olson, Officer Cameron Bott,)	
and Wyyette Parisien.)	
)	
Defendants.)	

The Plaintiff, a former inmate at the Burleigh Morton Detention Center and current inmate at the North Dakota State Penitentiary, initiated this *pro se* civil rights action on August 7, 2020. See Doc. No. 1. An amended complaint was filed on January 26, 2022. See Doc. No. 74. After screening the amended complaint as required by 28 U.S.C. § 1915A, Magistrate Judge Clare R. Hochhalter issued a Report and Recommendation on April 21, 2022, in which he recommended that some of the claims be dismissed while others be allowed to go forward. See Doc. No. 82. The Plaintiff was given until May 13, 2022, to file an objection to the Report and Recommendation. On May 16, 2022, the Plaintiff filed an objection. See Doc. No. 84.

The Court has carefully reviewed the Report and Recommendation, the relevant case law, the Plaintiff's objection, and the entire record, and finds the Report and Recommendation to be persuasive. The Court finds the Plaintiff's objection unpersuasive. The Court agrees that the Plaintiff's First Amendment and Religious Land Use and Institutionalized Persons Act (RLUIPA) claims should be allowed to go forward at this early stage, while the retaliation and equal protection claims fail.

The Court **ADOPTS** the Report and Recommendation (Doc. Nos. 82) in its entirety and **ORDERS** as follows:

- 1) Burleigh County will be substituted as a Defendant in place of the Burleigh Morton Detention Center.
- 2) The Plaintiff will be permitted to proceed with his First Amendment and RLUIPA contentions in Claims One and Three against Burleigh County and against Howe, Carr, Olson, Bott, and Parisien solely in their official capacities.
- 3) Claims Two and Four and all other claims are **DISMISSED**.
- 4) The claims against Defendants Jennifer Rewald and Eva Burman are **DISMISSED**.
- 5) The Clerk of the District Court is directed to effectuate service of the amended complaint (Doc. No. 74) on the named Defendants along with a copy of the Court's screening order making clear what claims the Plaintiff is permitted to proceed with.

IT IS SO ORDERED.

Dated this 24th day of June, 2022.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court